

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT  
ENTERTAINMENT, INC.

Plaintiffs,

- v -

PARTY ART PRODUCTIONS, INC., ROBERTA  
HERMAN, PHILIP HERMAN, PARTY POOPERS, INC.,  
MARLA MASE, 57<sup>TH</sup> STREET PARTY CORP. D/B/A  
SAVE THE DATE, JENNIFER GILBERT, THE MAGIC  
AGENCY INC., SHELLEY CARROLL, ERIC SILVEY  
D/B/A ERIC SILVEY ENTERTAINMENT,

Defendants.

**ANSWER**

ECF CASE  
07-CIV-7121  
(LLS) (THK)

JURY TRIAL DEMANDED

57<sup>th</sup> Street Party Corp. d/b/a Save the Date (öSave the Dateö) and Jennifer Gilbert (öGilbertö), collectively referenced herein as öDefendants,ö by their attorneys, Pinnisi & Anderson, LLP, hereby answer the Complaint of Lyons Partnership, L.P. and HIT Entertainment, Inc. (öPlaintiffsö) as follows:

1. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 1 of the Complaint.
2. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 2 of the Complaint.
3. Defendants refer to the Complaint for an accurate description of its content, and deny the balance of the allegations of paragraph 3 of the Complaint.
4. Defendants aver that the allegations of paragraph 4 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a

response is required, Defendants deny those allegations regarding Gilbert and Save the Date, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

5. Defendants aver that the allegations of paragraph 5 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

6. Defendants aver that the allegations of paragraph 6 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Defendants deny knowledge or information sufficient to form a belief regarding the truth of those allegations.

7. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 7 of the Complaint.

8. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 8 of the Complaint.

9. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraphs 9a and 9b of the Complaint.

10. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraphs 10a and 10b of the Complaint.

11. Defendants admit that 57<sup>th</sup> Street Party Corp. is a corporation doing business as Save the Date; admit that 57<sup>th</sup> Street Party Corp. is organized and exists under the laws of New York with its principal place of business at 451 Greenwich Avenue, New York, New York 10013;

admit that 57<sup>th</sup> Street Party Corp. transacts substantial business in the Southern District of New York; admit that Jennifer Gilbert owns 57<sup>th</sup> Street Party Corp.; admit that Jennifer Gilbert resides in and transacts substantial business in the Southern District of New York; and deny the balance of the allegations of paragraphs 11a and 11b of the Complaint.

12. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraphs 12a and 12b of the Complaint.

13. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraphs 13a and 13b of the Complaint.

14. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 14 of the Complaint.

15. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 15 of the Complaint.

16. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 16 of the Complaint.

17. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 17 of the Complaint.

18. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 18 of the Complaint.

19. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 19 of the Complaint.

20. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 20 of the Complaint.

21. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 21 of the Complaint.

22. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 22 of the Complaint.

23. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 23 of the Complaint.

24. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 24 of the Complaint.

25. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 25 of the Complaint.

26. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 26 of the Complaint.

27. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 27 of the Complaint.

28. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 28 of the Complaint.

29. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 29 of the Complaint.

30. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 30 of the Complaint.

31. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 31 of the Complaint.

32. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 32 of the Complaint.

33. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 33 of the Complaint.

34. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 34 of the Complaint.

35. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 35 of the Complaint.

36. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 36 of the Complaint.

37. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 37 of the Complaint.

38. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 38 of the Complaint.

39. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 39 of the Complaint.

40. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 40 of the Complaint.

41. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 41 of the Complaint.

42. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 42 of the Complaint.

43. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 43 of the Complaint.

44. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 44 of the Complaint.

45. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 45 of the Complaint.

46. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 46 of the Complaint.

47. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 47 of the Complaint.

48. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 48 of the Complaint.

49. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 49 of the Complaint.

50. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 50 of the Complaint.

51. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 51 of the Complaint.

52. Defendants admit that Plaintiffs' counsel sent correspondence and documents dated April 25, 2006 which demanded payment in order to avoid the commencement of litigation, admit that neither Gilbert nor Save the Date entered into any settlement with Plaintiffs, refer to the documents themselves for an accurate description of their contents, deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 52 as

they relate to other Defendants, and deny the balance of the allegations of paragraph 52 of the Complaint.

53. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 53 of the Complaint.

54. Defendants deny the allegations of paragraph 54 of the Complaint regarding Gilbert and Save the Date, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

55. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 55 of the Complaint.

56. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 56 of the Complaint.

57. Defendants deny the allegations of Paragraph 57 of the Complaint.

58. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 58 of the Complaint.

59. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 59 of the Complaint.

60. Defendants aver that the allegations of paragraph 60 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

61. Defendants aver that the allegations of paragraph 61 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny the allegations.

62. Defendants deny the allegations of paragraph 62 of the Complaint regarding Gilbert and Save the Date, and deny knowledge or information sufficient to form a belief regarding the truth of the allegations regarding other Defendants.

63. Defendants aver that the allegations of paragraph 63 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

64. Defendants aver that the allegations of paragraph 64 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

65. Defendants aver that the allegations of paragraph 65 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.



66. Defendants deny the allegations of paragraph 66 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

67. Defendants deny the allegations of paragraph 67 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

68. Defendants aver that the allegations of paragraph 68 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date refer to the Complaint for an accurate statement of its contents, and deny the allegations.

69. Defendants repeat and reaver the foregoing responses as if fully set forth herein.

70. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 70 of the Complaint

71. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 71 of the Complaint.

72. Defendants deny the allegations of paragraph 72 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

73. Defendants deny the allegations of paragraph 73 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

74. Defendants deny the allegations of paragraph 74 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

75. Defendants deny the allegations of paragraph 75 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

76. Defendants deny the allegations of paragraph 76 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

77. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 77 of the Complaint.

78. Defendants deny the allegations of paragraph 78 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

79. Defendants deny the allegations of paragraph 79 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

80. Defendants deny the allegations of paragraph 80 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

81. Defendants deny the allegations of paragraph 81 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

82. Defendants deny the allegations of paragraph 82 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

83. Defendants deny the allegations of paragraph 83 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

84. Defendants deny the allegations of paragraph 84 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

85. Defendants deny the allegations of paragraph 85 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

86. Defendants aver that the allegations of paragraph 86 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

87. Defendants aver that the allegations of paragraph 87 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date admit that all of Plaintiffs' claims against them are based solely upon alleged advertising activity and injury allegedly arising therefrom, deny any wrongful acts or omissions by themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

88. Defendants aver that the allegations of paragraph 88 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

89. Defendants aver that the allegations of paragraph 89 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

90. Defendants repeat and reaver the foregoing responses as if fully set forth herein.

91. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 91 of the Complaint.

92. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 92 of the Complaint.

93. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 93 of the Complaint.

94. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 94 of the Complaint.

95. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 95 of the Complaint.

96. Defendants aver that the allegations of paragraph 96 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a

response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

97. Defendants aver that the allegations of paragraph 97 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

98. Defendants aver that the allegations of paragraph 98 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date admit that all of Plaintiffs' claims against them are based solely upon alleged advertising activity and injury allegedly arising therefrom, deny any wrongful acts or omissions by themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

99. Defendants repeat and reaver the foregoing responses as if fully set forth herein.

100. Defendants aver that the allegations of paragraph 100 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

101. Defendants aver that the allegations of paragraph 101 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and

deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

102. Defendants aver that the allegations of paragraph 102 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

103. Defendants aver that the allegations of paragraph 103 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date admit that all of Plaintiffs' claims against them are based solely upon alleged advertising activity and injury allegedly arising therefrom, deny any wrongful acts or omissions by themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

104. Defendants repeat and reaver the foregoing responses as if fully set forth herein.

105. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 105 of the Complaint.

106. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 106 of the Complaint.

107. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 107 of the Complaint.

108. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 108 of the Complaint.

109. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 109 of the Complaint.

110. Defendants aver that the allegations of paragraph 110 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

111. Defendants aver that the allegations of paragraph 111 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

112. Defendants aver that the allegations of paragraph 112 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

113. Defendants aver that the allegations of paragraph 113 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

114. Defendants aver that the allegations of paragraph 114 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

115. Defendants aver that the allegations of paragraph 115 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny the allegations.

116. Defendants repeat and reaver the foregoing as if fully set forth herein.

117. Defendants deny the allegations of paragraph 117 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

118. Defendants deny the allegations of paragraph 118 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

119. Defendants deny the allegations of paragraph 119 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

120. Defendants deny the allegations of paragraph 120 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

121. Defendants repeat and reaver the foregoing responses as if fully set forth herein.



122. Defendants deny the allegations of paragraph 122 of the Complaint regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

123. Defendants aver that the allegations of paragraph 123 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

124. Defendants aver that the allegations of paragraph 124 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

125. Defendants aver that the allegations of paragraph 125 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

126. Defendants aver that the allegations of paragraph 126 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date admit that all of Plaintiffs' claims against them are based solely upon alleged advertising activity and injury allegedly arising therefrom, deny

any wrongful acts or omissions by themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

127. Defendants repeat and reaver the foregoing responses as if fully set forth herein.

128. Defendants deny knowledge or information sufficient to form a belief regarding the truth of the allegations of paragraph 128 of the Complaint.

129. Defendants aver that the allegations of paragraph 129 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

130. Defendants aver that the allegations of paragraph 130 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

131. Defendants aver that the allegations of paragraph 131 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

132. Defendants aver that the allegations of paragraph 132 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and

deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

133. Defendants aver that the allegations of paragraph 133 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

134. Defendants aver that the allegations of paragraph 134 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

135. Defendants aver that the allegations of paragraph 135 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date deny those allegations regarding themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

136. Defendants aver that the allegations of paragraph 136 of the Complaint state legal arguments and conclusions to which no response is required in this Answer, and to the extent a response is required, Gilbert and Save the Date admit that all of Plaintiffs' claims against them are based solely upon alleged advertising activity and injury allegedly arising therefrom, deny any wrongful acts or omissions by themselves, and deny knowledge or information sufficient to form a belief regarding the truth of those allegations regarding other Defendants.

137. Defendants deny any and all other allegations of the Complaint that are not specifically responded to above.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

138. Plaintiffs' claims are barred by the doctrine of unclean hands.

**Second Affirmative Defense**

139. Plaintiffs' claims are barred by the doctrine of estoppel.

**Third Affirmative Defense**

140. Plaintiffs' claims are barred by the doctrine of waiver.

**Fourth Affirmative Defense**

141. Plaintiffs' claims are barred by the doctrine of laches.

**Fifth Affirmative Defense**

142. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of Plaintiffs, and was not caused by Gilbert or Save the Date.

**Sixth Affirmative Defense**

143. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of named Defendants other than Gilbert or Save the Date, and was not caused by Gilbert or Save the Date.

**Seventh Affirmative Defense**

144. If Plaintiffs were injured or damaged as claimed, such injury or damage was caused by the culpable conduct of third parties, and was not caused by Gilbert or Save the Date.

**Eighth Affirmative Defense**

145. Plaintiffs' claims are barred by the applicable statutes of limitation.

**Ninth Affirmative Defense**

146. Plaintiffs failed to mitigate their damages, if any, and this failure was the direct and proximate cause of any and all damages alleged to have been sustained by Plaintiffs.

**Tenth Affirmative Defense**

147. Plaintiffs' claims against Gilbert and Save the Date are barred because Plaintiffs have not suffered any legally cognizable injury arising from any act or omission of those Defendants.

**Eleventh Affirmative Defense**

148. Plaintiffs failed to allege sufficient facts to state a cause of action for which relief may be granted against Gilbert or Save the Date.

**PRAYER FOR RELIEF**

**WHEREFORE**, Defendants request respectfully that this Court enter judgment:

- (a) denying all relief sought in the Complaint;
- (b) dismissing the Complaint in its entirety with prejudice;
- (c) awarding Defendants their costs, expenses and attorneys' fees in this action; and
- (d) granting such other and further relief as the Court finds just and proper.

Respectfully submitted,

Dated: September 24, 2007

SAVE THE DATE AND GILBERT  
by their attorneys  
PINNISI & ANDERSON, LLP

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